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New York

President:	Mr. Akram	(Pakistan)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Philippines	Mr. Baja
	Romania	Mr. Dumitru
	Russian Federation	Mr. Konuzin
	Spain	Mr. Yañez Barnuevo
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Cunningham

Agenda

The situation between Iraq and Kuwait

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04-35530 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear briefings by His Excellency Mr. James Cunningham, the representative of the United States, and by His Excellency Sir Emyr Jones Parry, the representative of the United Kingdom.

I now give the floor to the representative of the United States.

Mr. Cunningham (United States of America): One year after the unanimous adoption of resolution 1483 (2003), this will be the last joint quarterly report by the United States and the United Kingdom on its implementation.

On 30 June, the Coalition Provisional Authority and the framework of occupation recognized and established under resolution 1483 (2003) will come to an end. The Iraqi Governing Council will cease to exist by that date, and an interim Government of Iraq will assume the responsibility and authority for governing a sovereign Iraq. Its responsibilities will include the critical task of preparing for elections for a transitional National Assembly, to be held, if possible, by the end of 2004 and in any event no later than 31 January 2005.

Those are important steps on the path of the Iraqi people to democratic self-governance. Nonetheless there remains a great deal of difficult work ahead. To those who will challenge and test the new interim Government, we must make clear that our commitment remains strong to see Iraq through a successful political transition to a democratic constitutional Government. The indiscriminate targeting of the Iraqi people and members of the international community by criminal elements, including foreign terrorists, will not erode our resolve.

Before I move on to the details of my report on the implementation of resolution 1483 (2003), I think it appropriate to address the abuse of Iraqi detainees at Abu Ghraib. We have seen the pictures. They depict shameful acts that stain the honour and the reputation of the United States. Our Government and the people of the United States stand with the rest of the world in shock and disgust. President Bush has strongly condemned and apologized for those abuses and has made clear that all those responsible will be held fully accountable. The United States is taking steps to ensure that actions like this are not repeated. Our military has instituted a comprehensive review of policies and procedures throughout the prisons in Iraq, and several investigations are under way.

Our system of justice is moving swiftly to address these abuses. To date, the United States has charged seven military personnel with criminal offences and has relieved two officers of command. The first criminal trial was held today. A number of investigations remain open and are proceeding. All allegations of mistreatment are being thoroughly investigated. Transparent and fair judicial processes will determine guilt, and those convicted will be punished.

United States forces in Iraq are required to operate in accordance with the Geneva Conventions, and this is an obligation we take very seriously. Immediate steps have been taken to reinforce existing military policies to ensure that United States forces understand, are fully trained in and adhere to these standards. The United States is committed to providing the International Committee of the Red Cross (ICRC) access to detainees held by the United States in Iraq, and we have worked with the ICRC since the beginning of the occupation. United States military authorities have investigated matters brought to their attention by the ICRC, and they will continue to work with the ICRC in the future.

As President Bush has said, free countries confront such abuses openly and directly. The overwhelming majority of United States service members conduct themselves in strict accordance with the international law of armed conflict, and they represent the United States honourably. But democracy demands that those who abuse authority be brought to justice.

On 16 April, the United States provided a comprehensive report to the Security Council, pursuant to resolution 1511 (2003) and on behalf of the multinational force, regarding efforts and progress in the provision of security and stability. The multinational force, including the Iraqi armed forces and the Iraqi Civil Defence Corps under its command, remains dedicated to its tasks: stability operations, reconstruction efforts, civil affairs training and the important job of training Iraqi security forces.

The security situation in the months since our report under resolution 1511 (2003) has been particularly difficult. The multinational force is on the offensive against former regime elements and foreign terrorists in Fallujah and Ramadi. Multinational force troops are capturing those who have perpetrated attacks and those who are plotting future acts of violence. The multinational force has been involved in responding to the deplorable string of kidnappings and is also taking action to stop the lawlessness instigated by Muqtada Al-Sadr and his Mahdi militia in Baghdad and southern Iraq. These groups cannot be allowed to deprive Iraqis of their hopes for the future. We expect that violent elements will make a concerted effort to disrupt the transition and to destabilize Iraq as we approach 30 June.

As we reported to the Security Council on security structures in some detail just one month ago, I will not describe each of the elements of the Iraqi security forces again today. More than 210,000 Iraqi citizens are serving in various components of the Iraqi security forces now contributing to the security and stability of Iraq. While the number of Iraqi security forces has steadily increased, numbers alone do not tell the full story. The response of the various Iraqi security forces in April was uneven, and we are focused on improving the quality and leadership of those forces. With our assistance, Iraqis have made important progress in building the national security institutions that will be essential for an Iraqi Government to provide law and order. A Ministry of Defence, a Ministry of Interior and a Ministerial Committee on National Security have been established. Building an effective Iraqi civilian chain of command to lead Iraqi security forces will remain a key priority and an essential element of our multinational partnership.

At the same time, there is equal need for effective judicial and correctional systems. Faced with the violent elements I have just described, continued multinational force operations after 30 June will be necessary to ensure Iraq's security and progress in its political transition. We recognize the need for a close partnership with the Iraqi people and Iraqi forces, as expressed in the Transitional Administrative Law, and we will build on such a relationship. Coordination and consultative arrangements will be established between the multinational force and the sovereign interim Government of Iraq. The fight against terror and for Iraq's security and stability will be a shared fight.

Finally, we must expand international security forces to support the return of United Nations international personnel to Iraq. We are working to establish a unit within the multinational force under unified command to provide dedicated security for United Nations personnel and facilities in Iraq. The ability of the United Nations to continue its vital role in assisting Iraqis to prepare for elections depends on its security. We urge the international community to participate in this important task.

Let me now speak a bit about advancing Iraqi efforts to restore and establish national and local institutions for representative government. Just after our last report, in February, the Governing Council approved the Transitional Administrative Law, which will serve as the legal basis for the Iraqi interim and transitional Governments until a permanent constitution is ratified. Among its key provisions, the Transitional Administrative Law provides for equal rights for all Iraqis, without regard to gender, sect, opinion, belief, nationality, religion or origin. It confirms Iraq as a single State with federal structures, affirms civilian control of Iraq's security services and affirms the independence of the judiciary.

The Transitional Administrative Law also codifies that national elections for the transitional National Assembly shall be held no later than 31 January 2005, but if possible by the end of December of this year, and that the drafting of a permanent constitution shall be completed no later than 15 August 2005, with the transition to a constitutionally elected Iraqi Government taking place by 31 December 2005. I note in this context that the elected transitional Government will have the right and the authority to modify provisions of the Transitional Administrative Law if it so chooses.

In March, the Iraqi Governing Council invited the United Nations to provide assistance and advice to the

Iraqi people in the formation of the interim Iraqi Government. The Coalition Provisional Authority fully supported the Governing Council's invitation. In response, the Secretary-General dispatched his Special Adviser, Ambassador Brahimi, to Iraq in early April. In Ambassador Brahimi's subsequent report to this Council on 27 April, he outlined a proposal for the interim Government to include a president, two deputy presidents, a prime minister, a council of ministers who would report to the prime minister, and an advisory body. He also noted the linkage between security and the political process in that security remains essential for the process to be completed, while the political process itself would make a "powerful contribution" to security.

Ambassador Brahimi returned to Iraq at the beginning of this month to continue wide-ranging consultations with the Iraqi people, with the objective of identifying an interim Government for the period through elections that will have the respect and support of the Iraqi people. Those consultations are ongoing.

The interim Government will be the governing authority of a sovereign Iraq on 30 June. Many Iraqis have expressed their desire to have limits on the authorities of this interim Government, reflecting their view that some issues are best left to an elected Iraqi Government for decision. We note that it is for Iraqis to decide what those limits might be in the context of the consultative process led by Ambassador Brahimi.

Of course, a key milestone in Iraq's political transition will be the establishment of a Government chosen by democratic elections. There is substantial progress being made with regard to the electoral process. The United Nations electoral assistance team headed by Carina Pirelli has a productive working relationship with Iraqi and CPA officials. They are working with the Iraqis on developing the three main pillars of the electoral system: an independent election commission, an agreement on electoral modalities and a political parties law.

Miss Pirelli recently reported that preparations for the establishment of an independent election commission are in good shape. A nationwide nomination process, endorsed by the Governing Council and open to all Iraqis to select the commissioners, is now under way in all 18 governorates. The plan is to select seven commissioners through a careful review process. As its name suggests, the commission will be independent and non-partisan. Although progress is excellent, we continue to face a very tight time line. The United Nations leading involvement in helping Iraqis to prepare for elections has been and will remain vital to Iraq's political transition.

Let me now turn to the oil for food programme. Iraq continues to receive goods purchased under the programme, and the coordination centre established as the Coalition Provisional Authority took responsibility for remaining programme contracts following the end of the programme continues to oversee the shipment of food and other humanitarian supplies remaining in the oil for food pipeline. In the three northern governorates of Dahuk, Arbil and As-Sulaymaniyah, the Office of Project Coordination has provided technical expertise and disbursed funds to continue over 100 priority projects in power, agriculture, health, education and construction.

Capacity-building and technical support programmes have been initiated over the past several months in relevant Iraqi ministries to improve Iraqi capabilities to procure essential items and monitor incoming oil for food shipments. This will help ensure that the Iraqis will be able to manage remaining oil for food contracts and projects when the coordination centre and the Office of Project Coordination are phased out with the 30 June transfer of authority to a sovereign Iraq.

Last, I note that the Iraqi Board of Supreme Audit has collected, centralized and safeguarded oil for food documents in preparation for its own investigation of the programme and has signalled its readiness to assist the United Nations and other investigations into alleged abuses.

On disarmament, the Iraq Survey Group (ISG) continues its work to search for and eliminate Iraqi weapons of mass destruction, prohibited missile delivery systems and related infrastructure. It remains premature to draw final conclusions. The ISG has much work to do, including following up on continuing and frequent reports of hidden weapons caches. The ISG has already noted numerous violations of United Nations sanctions in activities that Saddam Hussein's regime should have reported to the United Nations under the requirements of Security Council resolutions, but did not. The ISG has uncovered illicit Iraqi procurement efforts aimed at obtaining dual-use

material in contravention of United Nations sanctions and has noted extensive efforts, continuing into 2003, to deceive United Nations inspectors. The ISG has also identified Iraqi research programmes with potential applications in a variety of weapons of mass destruction programmes. Finally, the ISG is working to determine Saddam's strategic intentions with respect to weapons of mass destruction and the United Nations inspection regime.

In conclusion, I wish to say a final word. In due course over the next several weeks, this Council will consider and act on a draft resolution that reflects upcoming milestones in Iraq's political transition. We are at a critical juncture in Iraq's history. 30 June will mark a vital step towards realizing the goal of an independent, democratic and stable Iraq at peace with itself and its neighbours. Now is the time for the Security Council and the international community to come together in support of Iraq and its people.

The President: I thank Mr. Cunningham for his comprehensive briefing.

I now give the floor to the representative of the United Kingdom.

Sir Emyr Jones Parry (United Kingdom): The past three months have undoubtedly seen challenges in Iraq, including continued attacks by those who want to deny the Iraqi people the opportunity to rebuild their country and to run their own affairs. Nonetheless, progress has continued in key areas, and today I will outline work on essential services, the economy, human rights and justice. More detail on these points is set out in the annex which will be circulated separately.

Like Ambassador Cunningham, I, too, would like to start by saying a few words about the detainees issue. British personnel in Iraq operate in accordance with the Geneva Convention and international law — obligations we take extremely seriously. Abuse of prisoners is completely unacceptable and the United Kingdom Government will not hesitate to act where British troops fail to uphold our obligations under international humanitarian law or the high standards expected by the British and international public.

We have worked closely with the International Committee of the Red Cross (ICRC) since the beginning of the occupation. The Ministry of Defence has investigated thoroughly any individual cases which the ICRC or other international bodies have raised with us, as well as incidents where civilians have died in detention. The United Kingdom internment facility near Basra is subject to regular ICRC inspection, with full and unrestricted access to detainees. ICRC recommendations on procedures in United Kingdom-run facilities have been implemented.

There have been 33 Royal Military Police investigations since the arrival of British troops in Iraq, 12 of which are still under way. In 15 of the 21 completed investigations, it was concluded that there was no case to answer. Recommendations in the other six cases are being considered by the military authorities.

The United Kingdom Government has apologized unreservedly to any Iraqis who have been mistreated by United Kingdom troops. We will not tolerate such mistreatment and will continue to investigate any allegations swiftly and thoroughly. We are determined not to let cases of mistreatment overshadow either the good work of the thousands of British soldiers risking their lives to help build a better future for Iraqis or the United Kingdom's reputation in the field of human rights.

I turn now to the provision of services. On water and sanitation, we continue to work towards long-term rehabilitation of essential water and sanitation infrastructure. Civil engineering work has been completed at three wastewater treatment plants outside Baghdad, and repairs have finished on a sewage treatment plant. The Safwan water system has also been restored, supplying drinking water to 40,000 residents. In Basrah, water quality and volume should exceed pre-war levels during the summer.

On energy, long-term rehabilitation continues, with the objective of building a sustainable power grid network. New generating capacities have been added to the Kirkuk and South Baghdad power plants. Power generation is now averaging around 3,800 MW per day. The goal of the Coalition Provisional Authority is to improve generating capacity to 6,000 MW per day by 30 June.

There continue to be increases in oil production and exports, with recent production at some 2.4 million barrels per day and exports running at some 1.8 million barrels per day. Forecasts suggest that oil revenues this year will be in the order of $18 billion, rising on current projections to $28 billion by the end of 2005.

In transportation, major upgrades are being undertaken at the three international airports of Baghdad, Basrah and Mosul. At the port of Umm Qasr, the salvage of 19 wrecks has been completed to facilitate traffic flow, and the port has been connected to the electricity grid. The Iraqi Republic Railway now operates a daily passenger service between Baghdad and Basrah, and Mosul into Syria.

Considerable work has also been undertaken to restore the telecommunications system. There are now over 760,000 active landline telephone subscribers and around 390,000 mobile phone subscribers. The total represents a 38 per cent increase on landline subscribers before the conflict.

A new Iraqi Communications and Media Commission has been created, with jurisdiction over telecommunications and broadcasting.

In health care, while there are still some difficulties, nearly all 240 hospitals in Iraq are functioning. Routine immunization of children has resumed, and, with inputs from the United Nations Children's Fund (UNICEF) and the Ministry of Health, 4,000 health workers and 124 supervisors are implementing a monthly immunization campaign. The Iraqi Ministry of Health recently established a 24-hour operations centre to coordinate health issues.

Turning to education, the United States Agency for International Development (USAID), Coalition forces and non-governmental organizations have rehabilitated over 2,300 schools. Almost all Baghdad schools have benefited from a small grant programme for repairs and supplies of their choice. USAID recently announced a further $12.6 million grant to UNICEF to continue its work supporting the Ministry of Education.

I should like now to turn to economic developments. The unexpectedly high oil price and some substantial transfers from funds linked to the oil-for-food programme have boosted the Iraqi public finances by several billion dollars. As a result, the Iraqi Ministry of Finance has issued a revised budget for 2004 which identifies new spending and sets a new envelope for Iraqi ministries.

As of 6 May, the balance in the Development Fund for Iraq was $10.2 billion. On 5 April, the Coalition announced that the audit contract for the Development Fund for Iraq had been signed by KPMG Audit and Risk Advisory Services following approval by the International Advisory and Monitoring Board.

New economic legislation has also been introduced. Measures include ensuring that the Iraqi Board of Supreme Audit acts as an independent public institution, combined with inspectors-general in every ministry.

A new Central Bank law for Iraq establishes a banking framework and the working practices of the newly independent Central Bank.

Revisions to copyright, patent and trademark legislation have been introduced to create the conditions for fair trade and eventual World Trade Organization (WTO) membership.

An interim securities law allows the re-establishment of the Baghdad stock exchange as a means of raising private-sector capital, but leaves, importantly, an incoming Iraqi administration to determine the future shape of securities trading in Iraq.

The Coalition continues to be concerned about tackling unemployment and recently established a programme of public works in major urban centres. It is called the "Seven Cities" initiative and is aimed at providing additional jobs over and above the 345,000 that the Coalition Provisional Authority estimates have been created by the reconstruction process.

I will now focus on human rights and justice. The development of a positive human rights culture in Iraq is focused on three independent but complementary platforms: first, an effective Ministry of Human Rights; secondly, an independent National Human Rights Commission, including an ombudsman for human rights; and thirdly, viable, active and sustainable human rights non-governmental organizations.

In April 2004, Ambassador Bremer and the Governing Council approved the appointment of Bakhtiar Amin, a well-known human rights activist, as Deputy Minister of Human Rights. Mr. Amin has since taken over the duties of the Minister. There are now approximately 130 employees at the Ministry.

Efforts to provide training in secure locations outside Iraq are ongoing, and, with full support from the Coalition Provisional Authority and USAID funding, the Human Rights Ministry has designated

two of its lawyers to act as on-site monitors and family liaisons in the Abu Ghraib prison.

The Iraqi human rights budget for 2004 is approximately $14.3 million, while an additional $15 million has been allocated for human rights under the United States Congress Supplemental Budget. The Iraqi Special Tribunal has appointed its Administrator, together with its first seven investigative judges and five prosecutors. A training course was held for Iraqi judges in The Hague from 5 to 7 May 2004. Another is planned for July, while the United States will provide assistance through a Regime Crime Adviser's office.

The Coalition Provisional Authority Office of Human Rights and Transitional Justice has nearly completed refurbishment of a former prison to house documentation and evidence securely. A human rights database has also been designed. On 23 April, Ambassador Bremer announced the establishment of a National Commission of Remembrance.

The United States Congress Supplemental Budget included $1 million towards the establishment of a National Human Rights Commission. Including an Office of the Ombudsman, the Commission will act as an independent body that will have the power to accept complaints concerning alleged Government violations of human rights.

Another key issue is continued Coalition work to promote the active participation of women. The United Kingdom's Department for International Development has provided two gender advisers to assist Coalition efforts, while USAID has funded over 55 grants totalling $3 million that focus on women's issues, including the establishment of 14 women's centres. A wide range of women's groups have emerged over the last year, and the Ministry of Human Rights has begun to host weekly workshops on women's issues.

Despite the substantial and difficult circumstances on the ground, much has been and is being achieved in Iraq. The genuine transfer of sovereign authority to an interim Iraqi Government on 30 June will be the next momentous step, allowing the Iraqi people to have the final say in their own affairs and pave the way for democratic elections by January 2005.

We are accelerating our own preparations for that historic occasion. Already, 11 Iraqi ministries have transferred to Iraqi control, while there are plans for further transfers in the coming days — all part of a process of restoring full sovereignty to Iraq.

Iraq's creative and talented people will continue to deserve our support as they move towards elections and a permanent constitution. Recent events show that foreign extremists and former regime elements remain bent on denying Iraqis that control of their political future, while the rebuilding of Iraq will continue to be an immense task. The United Kingdom hopes that the international community will build on its previous support, uniting to help the Iraqi Government and Iraq's people at this most crucial time.

Over the next few weeks, the Council will continue its consideration of a new draft resolution on Iraq. That draft resolution should clearly mark the move to a sovereign, interim Iraqi Government. It should also mark our wholehearted support for that Government and for continued Iraqi progress towards democratic elections.

The President: I thank Sir Emyr Jones Parry for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.55 a.m.